

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3848 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA
and
Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

FAKU HASAM KOLI

Versus

SURA PABA RABARI, F/O LATE JASA SURA RABARI

Appearance:

MR AJAY R MEHTA for Petitioners
MR SURESH M SHAH for Respondent No. 1, 2

CORAM : MR.JUSTICE D.C.SRIVASTAVA
and
MR.JUSTICE H.K.RATHOD

Date of decision: 20/06/2000

ORAL JUDGEMENT

This is an appeal against the interim award under section 163-A of the Motor Vehicles Act rendered by the Motor Accident Claims Tribunal on 25.8.1997 awarding interim compensation of Rs. 2,04,500/- together with 15% interest per annum. Shri A. R. Mehta, learned counsel for the appellants and Shri M.S.Shah, learned counsel for respondents have been heard. We have examined the impugned award and we do not find any illegality or infirmity in the same. As such, interference in the impugned award is hardly desired. The appeal, in these circumstances, is bound to fail and is accordingly dismissed with no order as to costs.

Before parting with this judgment, we direct the appellants to deposit the amount awarded in the impugned award together with interest and costs before the Tribunal within a period of six weeks from today. Out of the amount so deposited, 30% shall be paid to the claimants and the remaining 70% shall be invested in fixed deposit in some nationalized bank for a period of three years, initially. The matters argued here can be decided by the tribunal since the main claim petition under section 166 of the Motor Vehicles Act is pending. The Tribunal is desired to expedite disposal of the claim petition and dispose it of within six months from today. The interest accruing on the fixed deposit shall be payable to the claimants respondents. The respondents shall file written undertaking before the tribunal that they shall not get the main claim petition under section 166 of the Motor Vehicles Act dismissed in default rather shall contest it on merits.

20.6.2000 (D.C.Srivastava,J.)

(H.K.Rathod,J.)

Vyas